

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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ROBIN JOACHIM DARTELL, et al.,
Individually and on Behalf of All Others
Similarly Situated

Plaintiff,

Civil Action No. 14-CV-3620-JMV

VS.
TIBET PHARMACEUTICALS, INC., et al
Defendant.

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P. VAN HOVE BVBA, PASCAL VAN HOVE
GCV, JOHN THOLLON, MICHAEL ZABINSKI,
JEAN DOYLE, AND MARK LAROSA,
INDIVIDUALLY AND ON BEHALF OF ALL
OTHERS SIMILARLY SITUATED,

Plaintiffs,

CASE No.: 2:11-cv-2164-JMV

vs.
UNIVERSAL TRAVEL GROUP, INC.,
JIANGPING JIANG, YIZHAO ZHANG, JIANG
XIE, JIDUAN YUAN, LAWRENCE LEE,
LIZONG WANG, DAVID T. SVOBODA, AND
ACQUAVELLA, CHIARELLI, SHUSTER & CO.,
LLP, ACQUAVELLA, CHIARELLI, SHUSTER,
BERKOWER & CO., LLP, JOSEPH P.
ACQUAVELLA, SANTO CHIARELLI, SAMUEL
SHUSTER, AND MAURICE BERKOWER,

Defendants.

DECLARATION OF SARA FUKS

I, Sara Fuks, hereby declare under penalty of perjury:

1. I am an attorney at The Rosen Law Firm, P.A., Lead Counsel to Plaintiffs in the above-captioned actions. I make this Declaration in support of Plaintiffs' Motion to Seal after consulting with defense counsel.

2. The materials that are the subject of this motion to seal are: 1) the insurance policies applicable to the proposed settlements before the Court in the above-actions and 2) the supplemental agreements in connection with the settlements in the above actions.

3. With respect to the insurance policies applicable to the proposed settlements, the UTG document (which concerns the UTG proposed settlement) is a Navigators Insurance Company policy with a policy period from June 23, 2010 to June 23, 2011. The ACSB document (which concerns the Tibet proposed Settlement) is a Lexington Insurance Company (AIG) policy with a policy period from October 31, 2011 through October 31, 2012.

4. The policies should not be filed publicly because they each separately contain confidential information concerning the amount of the policy, the terms the Defendants were able to negotiate with their carriers, and the amount paid for the policy. Each of the policies was a negotiated policy.

5. It is important at this time not to have the policies filed publicly, as doing so could disrupt an arms-length negotiated settlement. Stockholders (or others) might misconstrue the policy amount as reflecting additional potential monies that they might be able to obtain by opting out or otherwise interfering with the settlement when, in fact, the respective Settlement Amounts reflect payment of nearly all of the available insurance proceeds (which get continuously reduced by defense costs). Moreover, Plaintiffs' counsel has reviewed the terms of the policies and properly advised the Lead Plaintiffs.

6. With respect to the supplemental agreements in the proposed settlements, they contain provisions concerning the number of shares of stock that would have to opt-out of the respective settlements such that such that the respective settling defendants would be able to exercise the right to terminate the settlement.

7. It is important not to have the supplemental agreements filed publicly, as doing so could disrupt an arms-length negotiated settlement by providing class members with information that could become a self-fulfilling prophecy, by potentially incentivizing them artificially to opt-out and/or persuade additional class members to opt-out in order to have the settlements terminated.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Dated: December 9, 2016

/s/Sara Fuks
Sara Fuks

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants identified in the Notice of Electronic Filing (NEF).

/s/ *Sara Fuks*